

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 17 OF 2007

RAMESH CHANDER SINGH, PRISONER
NO. 797

... Petitioner

Versus

STATE OF GOA THROUGH SECRETARY OF
HOME DEPARTMENT AND 2 ORS.,

... Respondents

Ms. Asha Dessai, Advocate for the Petitioner.

Ms. Winnie Coutinho, Public Prosecutor for the Respondents.

Coram:- N. A. BRITTO, J.

Date:- 19th July, 2007

P.C.:-

Heard Ms. Asha Dessai, the learned Counsel on behalf of the petitioner and Ms. Winnie Coutinho, the learned Public Prosecutor on behalf of the respondents.

The petitioner is a convict undergoing 10 years R.I. w.e.f. 6-1-2006 and he filed an application dated 26-7-2006 for parole for a period of 45 days which has been rejected by the Government by Order dated 24-4-2007.

The application was made on the ground that his wife was suffering from low blood pressure and chronic back pain and the doctor had advised complete bed rest for her. The application was forwarded for inquiry and report to the S. P., Jhakhar, Haryana which is the native place of the petitioner. One of the grounds on which the application of the petitioner for parole is rejected is based on the Police Report received from S. P., Jhakhar, and, as the impugned order shows, the Police Report discloses that the petitioner's wife is ill but presence of the petitioner at his native place is not essential because his two sons are residing along with his ailing wife and both are capable of taking care of their mother.

The learned Counsel on behalf of the petitioner submits that the petitioner's sons are unable to take a decision as regards their mother whether she requires to be operated or not. Rule 324 of the Goa Prisons Rules, 2006 deals with the provision for the grant of parole, and, it provides that parole may be granted to a prisoner in the event of emergent situations, like death or serious illness of a father, mother, brother, sister, spouse and children and also marriage of brother, sister and children. The illness of which the petitioner's wife is suffering from, in my view, could not be considered to be serious illness on account of which the petitioner would be entitled to be released on parole. The rejection of the petitioner's application for parole appears to be in conformity with what is provided by Rule 324 of the aforesaid Rules.

In view of the above, no interference is called for with the impugned Order. Application rejected.

N. A. BRITTO, J.

RD.